

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
THURSDAY, AUGUST 5, 2004, 1:00 P.M.**

CALL TO ORDER

Walter Baade, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present: Walter Baade, Chairperson
 Mareth Kipp
 Ellen Gennrich
 Pat Haukohl
 Betty Willert
 Walter Kolb

Commission

Members Absent: None

Staff

Members Present: Richard L. Mace, Planning and Zoning Manager
 Amy Barrows, Senior Land Use Specialist
 Sherrie Villarreal, Clerk Typist III

Guests Present:

Quinn Piala
Cathy Piala
Jim Jendusa
Dan Warren

PUBLIC COMMENT

Chairperson Baade asked if anyone from the audience wished to address the Commission? There being no one, he moved to the next item on the agenda.

• **SZT-1541 (Pabst Farms Land Company, LLC) Town of Summit, Section 22 (A-P Agricultural Land Preservation District to the A-5 Mini Farm District)**

Mr. Mace presented the "Staff Report and Recommendation" dated August 5, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph.

Mr. Mace indicated the property is located west of S.T.H. 67 and north of Normandale Drive and Hollyhock Woods Drive in the Town of Summit. The site is a combination of Town and County shorelands. The cross-hatch area indicated on the map is Town zoning, which will change from the A-1 District to the A-2 District and to the A-2 and 1-5 Districts under the County Shorelands. He said, from his understanding, Normandale may be extended in the future to Dousman Road, with potentially six or more lots being created.

Mr. Warren, Development Manager for Pabst Farms, pointed out on the aerial photograph the property which will be divided into two parcels: a 20-acre parcel to the north which will be transferred to Roundy's Corporation for screening purposes, and a 16.4-acre parcel which is intended to be developed with single-family residential uses in the future.

Mr. Warren pointed out that Pabst Farms is the owner of the Roundy's site and building, which will be leased to them. Mrs. Gennrich said the residents along the lake have concerns about the location of the parking lots. Mr. Warren identified where the building was located, where trucks would enter and leave, truck parking, employee parking, the visitor parking area and the stormwater facilities, and the buffer areas. He presented a Master Concept Plan for Pabst Farms to the Commission, which indicated what areas were being developed for different use. A Stormwater Plan was developed for the entire project, which included a number of agencies, including the Waukesha County Land Resources Division. Pabst Farms collaborated with the City and Town and created a new public entity entitled, "Pabst Farms Joint Stormwater District", whereby its specific goal is to assist with Pabst Farms, the City and Town, and coordinate developments so as to be in accordance with that plan. Mrs. Kipp asked if the Stormwater District was in accordance with the Town of Summit Master Plan? Mr. Warren replied, "Yes, with the exception of Aurora, which is requesting a plan change". He stated about 80 percent of the stormwater generated on the site does not leave the site and is retained in retention ponds, functioning as infiltration areas. Mrs. Gennrich asked who Pabst Farms hired to complete the stormwater system? Mr. Warren replied the original Concept Plan was completed by Earth-tech in Milwaukee, Wisconsin, which was the successor of Donahue Engineering, and the detailed engineering of all the sites was completed by National Survey and Engineering. They also employed GNA, a groundwater hydrologist firm, from the local area. A groundwater model of the flow directions (which covers large portions of the Town of Summit) was put together by GNA. Mr. Kolb asked if the groundwater went through the ponds or if engineering was completed to assist the water that would overflow the ponds to recharge back into the groundwater area, much like a reverse well? Mr. Warren replied the stormwater runs off the impervious areas, such as, rooftops, parking lots, and green areas and into water quality ponds where it is first cleaned up and then leaves the ponds and runs into other areas noted as the gold-tone colors on the map (infiltration areas).

Mr. Warren pointed out substantial berms (10 ft. to 12 ft high) along the 20-acre area along the north side of the rezone area, which will be landscaped and planted in accordance with plans, which have been approved by the Town of Summit and City of Oconomowoc, which are to be completed by September 15, 2004. Mr. Mace stated the Landscaping Plan needs to be reviewed and approved by the Planning and Zoning Division Staff (see Condition No. 4 of the Staff Report and Recommendation). Mr. Warren noted the landscaping has been approved by the Town and he will give the Planning and Zoning Division Staff a copy of the plan.

After discussion, Mr. Kolb moved, seconded by Mrs. Haukohl and carried unanimously, for approval in accordance with the "Staff Report and Recommendation". The approval of this request, as conditioned, will provide a reasonable use of the land and still promote and meet the intent and purposes of all County Ordinances.

SCHEDULED MATTER:

- **1:15 P.M. (Tiffany-Frey and Pjala's Nursery) Village of Mukwonago, Section 24**

Mr. Mace presented the "Staff Report and Recommendation" dated August 5, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner's request is for a waiver from the Subdivision Deed Restrictions to allow a deck within the Waukesha County Jurisdictional Limits on the Two Rivers Subdivision Plat and to approve the access path to the Fox River.

Mr. Mace noted the property is located at 736 Two Rivers Drive in the Village of Mukwonago. From review of the 2000 aerial photos, there are a number of other residences constructed on the west side of the Fox River in the Two Rivers Subdivision that have violated the Deed Restrictions of the subject Plat. The Pila residence is the first residence, to come forward to seek relief from the restrictions. The Plat included a restriction that all building activity had to be outside the 300 ft. shoreland boundary. The petitioner is coming forward with Lot 2 because of the construction of a new residence, which includes an intrusion of 6 ft. into said setback area for a deck and patio. The Planning and Zoning Division Staff is recommending that the deck be constructed outside the restricted area, but is recommending approval for the access path to the river.

Mr. Mace suggested if the petitioners wanted to build a larger deck it should be built on the side of the residence. Mr. Pila said the original plans proposed a much larger deck. He went on to say that they are proposing to build the deck with approximately five footings. Mr. Pila is proposing that the deck come out 12 ft., because in the event of a fire, enough room is needed to get around a table on the deck. Another reason for the width of the deck is that the kitchen doors are predominately used. Mrs. Gennrich asked if the deck was planned when the foundation of the house was poured? Mr. Pila replied after the foundation was poured, he was called to help with the deck and stated the original plans submitted did not include a deck.

There was discussion with regards to groundwater and the patio. Mr. Pila said they were not asking to pave it with concrete, but to dry-lay it (i.e., laying stone on top of a gravel base, which allows for percolation through to the soil below, so it reduces the amount of runoff from the site). In the initial plans, there were retaining walls, which were taken out because they were encroaching on the 100-Year Floodplain. The walls were removed and replaced with large slabs of stone, a design to look like outcrops, which Mr. Pila felt would reduce the amount of erosion. A dry riverbed will be installed with fieldstone or native brown stone to help slow other surface water drainage.

Mrs. Gennrich stated she couldn't understand why people didn't know the restrictions. She heard of the many violations from the developer and indicated there was all kinds of information in the press etc., with issues of the grading too close to the river. She pointed out if the property had County Jurisdiction, the road would not be that close to the river and there would be lots big enough to get a decent setback so that a house and a deck could be adequately constructed.

- ***Mr. Kolb moved, seconded by Mrs. Gennrich for approval in accordance with the "Staff Memorandum".***
- ***After a brief discussion Mr. Kolb withdrew his motion.***

Mrs. Haukohl said she could go along with the deck, but needed more information on the patio. There was discussion regarding the encroachment of 6 ft. of the patio. Mr. Pila pointed out and illustrated the patio and stated that a normal patio has a concrete slab with gravel below as a base. He said they are not proposing to have a solid piece of concrete because the water would run off, but is proposing to use flagstone, which will allow for percolation.

Mrs. Gennrich then moved, seconded by Mrs. Haukohl and carried unanimously, for approval in accordance with the “Staff Memorandum”, which does not allow the deck or patio to extend beyond the shoreland setback as shown on the Subdivision Plat, but approved the access path to the Fox River. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

• **SCU-1381 (Dolores Piper) Town of Merton, Sections 12 and 13**

Mr. Mace presented the “Staff Report and Recommendation” dated August 5, 2004, and made a part of these Minutes. He pointed out the petitioner is requesting a Conditional Use Permit for after-the-fact earth-altering activities done in conjunction with the construction of several retaining walls.

Mr. Mace noted the property is located at W288 N8070 Park Drive in the Town of Merton. The Planning and Zoning Staff is encouraging the petitioner to go back to the Board of Adjustment and have Condition No. 5 (in italicized type below) of the May 26, 2004, Board of Adjustment action waived, which required “*A Structural Engineer shall certify that the walls are structurally sound.*” He indicated the Planning and Zoning Division Staff felt that the walls were not a problem because they are not over 4 ft. The petitioner’s son will not inform Jahnke and Jahnke (petitioner’s surveyor/engineer) of the methods of installation, which creates a problem complying with Condition No. 5.

There was discussion with regards to the retaining walls and, if they would collapse, where they would fall. Condition No. 3 answers this question, requiring a Deed Restriction to be filed in the Waukesha County Register of Deed’s Office stating the property owner is responsible for the structural integrity of the retaining walls, and if they collapse, they must be rebuilt and certified for structural integrity. Mrs. Gennrich stated she was not in favor of the removal of Condition No. 5 and thought it was a good idea that a structural engineer should look at the walls.

There was discussion with regards to modifying Condition No. 4 of the “Staff Recommendation” Mrs. Gennrich stated if the walls are not certified, the Park and Planning Commission is not taking legal responsibility. After discussion, the Commission agreed that Condition No. 4 be modified as follows: “*If the petitioner must have all walls removed for lack of certification by a Structural Engineer, as required by the Board of Adjustment, a new Grading, Retaining Wall and Landscaping Plan must be reviewed and approved by the Town of Merton, the Waukesha County Board of Adjustment, the Town of Merton Plan Commission and the Waukesha County Park and Planning Commission.*”

In response to a screening question, Mr. Mace noted that vegetation is an acceptable screening solution of the retaining walls, although what is present is insufficient. Mrs. Willert pointed out in two years after the vegetation grows you would not see the walls. Mr. Mace stated to remove the retaining walls may create a worse situation than what presently exists. There was discussion with regards to which walls should be removed. Mrs. Barrows (Senior Land Use Specialist) clarified this matter. Mrs. Gennrich asked if the photographs submitted were current? Mrs. Barrows replied the photographs are not current and pointed out on the plans the walls that needed to be structurally sound and also those walls which were recently removed.

Chairperson Baade asked what triggered the original complaint, because there were 21 people in favor of the proposal? Mrs. Barrows replied, “A neighbor.” She explained that the petitioner has been working on the walls for the past four years. Mrs. Kipp expressed concerns that the petitioner would

not be able to comply with the conditions (Board of Adjustment and the Staff Recommendation) by October 31, 2004. In response, Mr. Mace suggested to add, “unless extended and approved by the Waukesha County Park and Planning Commission” to the end of Condition No. 5 which reads as follows:

5. *All Board of Adjustment conditions and the above conditions must be complied with by October 31, 2004, unless extended and approved by the Waukesha County Park and Planning Commission*

After discussion, Mrs. Gennrich moved, seconded by Mrs. Haukohl and carried unanimously, for approval in accordance with the “Staff Report and Recommendation” subject to Conditions No. 4 and 5 being modified as follows:

4. *If the petitioner must have all walls removed for lack of certification by a Structural Engineer, as required by the Board of Adjustment, a new Grading, Retaining Wall and Landscaping Plan must be reviewed and approved by the Town of Merton, Waukesha County Board of Adjustment, the Town of Merton Plan Commission and the Waukesha County Park and Planning Commission.*
5. *All Board of Adjustment conditions and the above conditions must be complied with by October 31, 2004, unless extended and approved by the Waukesha County Park and Planning Commission.*

The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

• **PO-04-OCOT-21 (Okauchee Fire Department) Town of Oconomowoc, Section 36**

Mr. Mace presented the “Staff Report and Recommendation” dated August 5, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Site Plan/Plan of Operation Permit for the addition of a pump house and a 24 ft. x 36 ft. detached garage for storage.

Mr. Mace indicated the property is located at 5060 Shady Lane in the Town of Oconomowoc. Mr. Jendusa (engineer for the pump house) was present in the audience and stated the pump house was utilized to supply water to sprinklers, the Mission Lakes condominiums, and the new Town fire hydrants. A fire hydrant will be located on the Mission Lakes Condominiums property, but will have access for Town purposes. Another fire hydrant will be located on the Town of Oconomowoc right-of-way in Wisconsin Avenue.

After discussion, Mrs. Willert moved, seconded by Mrs. Haukohl and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **Amend the Regional Water Quality Management Plan for the Village of Menomonee Falls (Sections 31 and 32)**

Mr. Mace presented the booklet entitled “Amend the Regional Water Quality Management Plan for the Village of Menomonee Falls”.

Mr. Mace pointed out the various areas in the subject area, which are being transferred and provided sewer from the Village of Sussex Treatment Plant and the Brookfield Treatment Plant. He noted the area being added will be served by the Village of Sussex Plant and those areas lie east and west of Lannon Road and South of Highway “K”. He also noted that the new subdivision immediately adjacent into the northwest of Wanaki Golf Course is served by sewer from the Village of Sussex. Mrs. Haukohl questioned whether or not any of the lands were noted on the County Park and Open Space Plan as to be acquired by the County, to which Mr. Mace replied that portions of the Fox River Corridor are included in the County’s Plan to be acquired. Mrs. Haukohl expressed concerns about how adding this area to be served with sewer would generate additional population growth through new development and noted that this development would place additional emphasis and create a need for extending Barker Road northerly from the its northern most terminus at Capital Drive through the Fox River wetlands to connect with Lannon Road. She stated she was opposed to that. Mr. Mace noted that much of this land would be in floodplain and would not be able to be developed. Mrs. Haukohl questioned why the Groundwater Recharge Study being conducted by the Regional Planning Commission was not an integral part of this proposed amendment to this sewer service area. She was also concerned about the availability of a public water into the proposed development, which may occur as a result of this amendment, and felt that accessibility to drinking water and the issue of the groundwater recharge concerns throughout the region should be made a part of this amendment, as well as any other amendments that come forth. Mr. Mace stated there is presently concerns as to whether or not the Groundwater Study would proceed ahead because of questions of funding around the region. Mrs. Gennrich also concurred in her concern regarding the issue of additional area being served with sewer in this vicinity would encourage a future extension of Barker Road.

After discussion, Mrs. Willert moved, seconded by Mrs. Gennrich and carried with Mrs. Haukohl and Mrs. Kipp voting “No” for approval in accordance with the proposed amendment, “Amend the Regional Water Quality Management Plan for the Village of Menomonee Falls”. Approval of this proposal will promote any additional development to occur with sewer, rather than development occurring on private waste disposal systems in this area of the Village, which has marginal soils for onsite waste disposal.

- **WCCA Fall Conference, Green Bay, WI, October 20, 21 and 22, 2004.**

Mrs. Willert moved, seconded by Mrs. Haukohl and carried unanimously, for approval for the Waukesha County Park and Planning Commission members to attend the WCCA Conference in Green Bay, WI, on October 20, 21 and 22, 2004.

ADJOURNMENT

There being no further business to come before the Commission, Mrs. Gennrich moved, seconded by Mrs. Willert and carried unanimously, to adjourn the meeting at 3:14 p.m.

Respectfully submitted,

Ellen Gennrich
Secretary

MK:smv

N:\PLU FILES\Planning and Zoning\Park and Planning Commission Meetings\Minutes\2004 Minutes\2004 08 05 Minutes.doc